

1 (d) provide notice not ~~more than 14 days nor~~ less than
2 48 hours (exclusive of Saturdays, Sundays and holidays) but
3 no more than 14 calendar days in advance of the start of the
4 excavation or demolition to the owners or operators of the
5 underground utility facilities or CATS facilities in and near
6 the excavation or demolition area through the State-Wide
7 One-Call Notice System or, in the case of nonemergency
8 excavation or demolition within the boundaries of a
9 municipality of at least one million persons which operates
10 its own one-call notice system, through the one-call notice
11 system which operates in that municipality;

12 (e) provide, during and following excavation or
13 demolition, such support for existing underground utility
14 facilities or CATS facilities in and near the excavation or
15 demolition area as may be reasonably necessary for the
16 protection of such facilities unless otherwise agreed to by
17 the owner or operator of the underground facility or CATS
18 facility; and

19 (f) backfill all excavations in such manner and with
20 such materials as may be reasonably necessary for the
21 protection of existing underground utility facilities or CATS
22 facilities in and near the excavation or demolition area;
23 and-

24 (g) After February 29, 2004, when the excavation or
25 demolition project will extend past 28 calendar days from the
26 date of the original notice provided under clause (d), the
27 excavator shall provide a subsequent notice to the owners or
28 operators of the underground utility facilities or CATS
29 facilities in and near the excavation or demolition area
30 through the State-Wide One-Call Notice System or, in the case
31 of excavation or demolition within the boundaries of a
32 municipality having a population of at least 1,000,000
33 inhabitants that operates its own one-call notice system,
34 through the one-call notice system that operates in that

1 municipality informing utility owners and operators that
 2 additional time to complete the excavation or demolition
 3 project will be required. The notice will provide the
 4 excavator with an additional 28 calendar days from the date
 5 of the subsequent notification to continue or complete the
 6 excavation or demolition project.

7 At a minimum, the notice required under clause (d) shall
 8 provide:

9 (1) the person's name, address, and (i) phone
 10 number at which a person can be reached and (ii) fax
 11 number;

12 (2) the start date of the planned excavation or
 13 demolition;

14 (3) the address at which the excavation or
 15 demolition will take place;

16 (4) the type and extent of the work involved; and

17 (5) section/quarter sections when the above
 18 information does not allow the State-Wide One-Call Notice
 19 System to determine the appropriate geographic
 20 section/quarter sections. This item (5) does not apply
 21 to residential property owners.

22 Nothing in this Section prohibits the use of any method
 23 of excavation if conducted in a manner that would avoid
 24 interference with underground utility facilities or CATS
 25 facilities.

26 (Source: P.A. 92-179, eff. 7-1-02.)

27 (220 ILCS 50/7) (from Ch. 111 2/3, par. 1607)

28 Sec. 7. Damage or dislocation. In the event of any
 29 damage to or dislocation of any underground utility
 30 facilities or CATS facilities in connection with any
 31 excavation or demolition, emergency or nonemergency, the
 32 person responsible for the excavation or demolition
 33 operations shall immediately notify the affected utility and

1 the State-Wide One-Call Notice System or, in the case of
2 damage or dislocation in connection with any excavation or
3 demolition within the boundaries of a municipality having a
4 population of at least 1,000,000 inhabitants that operates
5 its own one-call notice system, notify the affected utility
6 and the one-call notice system that operates in that
7 municipality. Owners and operators of underground utility
8 facilities that are damaged and the excavator involved shall
9 work in a cooperative and expeditious manner to repair the
10 affected utility.

11 (Source: P.A. 92-179, eff. 7-1-02.)

12 (220 ILCS 50/10) (from Ch. 111 2/3, par. 1610)

13 Sec. 10. Record of notice; marking of facilities. Upon
14 notice by the person engaged in excavation or demolition, the
15 person owning or operating underground utility facilities or
16 CATS facilities in or near the excavation or demolition area
17 shall cause a written record to be made of the notice and
18 shall mark, within 48 hours (excluding Saturdays, Sundays and
19 holidays) of receipt of notice, the approximate locations of
20 such facilities so as to enable the person excavating or
21 demolishing to establish the location of the underground
22 utility facilities or CATS facilities. Owners and operators
23 of underground sewer facilities that are located outside the
24 boundaries of a municipality having a population of at least
25 1,000,000 inhabitants shall be required to respond and mark
26 the approximate location of those sewer facilities when the
27 excavator indicates, in the notice required in Section 4,
28 that the excavation or demolition project will exceed a depth
29 of 7 feet. "Depth", in this case, is defined as the distance
30 measured vertically from the surface of the ground to the top
31 of the sewer facility. Owners and operators of underground
32 sewer facilities that are located outside the boundaries of a
33 municipality having a population of at least 1,000,000

1 inhabitants shall be required at all times to locate the
2 approximate location of those sewer facilities when: (1)
3 directional boring is the indicated type of excavation work
4 being performed within the notice; (2) the underground sewer
5 facilities owned are non-gravity, pressurized force mains; or
6 (3) the excavation indicated will occur in the immediate
7 proximity of known underground sewer facilities that are less
8 than 7 feet deep. Owners or operators of underground sewer
9 facilities that are located outside the boundaries of a
10 municipality having a population of at least 1,000,000
11 inhabitants shall not hold an excavator liable for damages
12 that occur to sewer facilities that were not required to be
13 marked under this Section, provided that prompt notice of the
14 damage is made to the State-Wide One-Call Notice System and
15 the utility owner as required in Section 7.

16 All persons subject to the requirements of this Act shall
17 plan and conduct their work consistent with reasonable
18 business practices. Conditions may exist making it
19 unreasonable to request that locations be marked within 48
20 hours. It is unreasonable to request owners and operators of
21 underground utility facilities and CATS facilities to locate
22 all of their facilities in an affected area upon short notice
23 in advance of a large or extensive nonemergency project, or
24 to request extensive locates in excess of a reasonable
25 excavation or demolition work schedule, or to request locates
26 under conditions where a repeat request is likely to be made
27 because of the passage of time or adverse job conditions.
28 Owners and operators of underground utility facilities and
29 CATS facilities must reasonably anticipate seasonal
30 fluctuations in the number of locate requests and staff
31 accordingly.

32 If a person owning or operating underground utility
33 facilities or CATS facilities receives a notice under this
34 Section but does not own or operate any underground utility

1 facilities or CATS facilities within the proposed excavation
2 or demolition area described in the notice, that person,
3 within 48 hours (excluding Saturdays, Sundays, and holidays)
4 after receipt of the notice, shall so notify the person
5 engaged in excavation or demolition who initiated the notice,
6 unless the person who initiated the notice expressly waives
7 the right to be notified that no facilities are located
8 within the excavation or demolition area. The notification
9 by the owner or operator of underground utility facilities or
10 CATS facilities to the person engaged in excavation or
11 demolition may be provided in any reasonable manner
12 including, but not limited to, notification in any one of the
13 following ways: by face-to-face communication; by phone or
14 phone message; by facsimile; by posting in the excavation or
15 demolition area; or by marking the excavation or demolition
16 area. The owner or operator of those facilities has
17 discharged the owner's or operator's obligation to provide
18 notice under this Section if the owner or operator attempts
19 to provide notice by telephone or by facsimile, if the person
20 has supplied a facsimile number, but is unable to do so
21 because the person engaged in the excavation or demolition
22 does not answer his or her telephone or does not have an
23 answering machine or answering service to receive the
24 telephone call or does not have a facsimile machine in
25 operation to receive the facsimile transmission. If the
26 owner or operator attempts to provide notice by telephone or
27 by facsimile but receives a busy signal, that attempt shall
28 not serve to discharge the owner or operator of the
29 obligation to provide notice under this Section.

30 A person engaged in excavation or demolition may
31 expressly waive the right to notification from the owner or
32 operator of underground utility facilities or CATS facilities
33 that the owner or operator has no facilities located in the
34 proposed excavation or demolition area. Waiver of notice is

1 only permissible in the case of regular or nonemergency
 2 locate requests. The waiver must be made at the time of the
 3 notice to the State-Wide One-Call Notice System. A waiver
 4 made under this Section is not admissible as evidence in any
 5 criminal or civil action that may arise out of, or is in any
 6 way related to, the excavation or demolition that is the
 7 subject of the waiver.

8 For the purposes of this Act, underground facility
 9 operators may utilize a combination of flags, stakes, and
 10 paint when possible on non-paved surfaces and when dig site
 11 and seasonal conditions warrant. If the approximate location
 12 of an underground utility facility or CATS facility is marked
 13 with stakes or other physical means, the following color
 14 coding shall be employed:

Utility or Community Antenna Television Systems and Type of Product	Identification Color
Electric Power, Distribution and Transmission.....	Safety Red
Municipal Electric Systems.....	Safety Red
Gas Distribution and Transmission.....	High Visibility Safety Yellow
Oil Distribution and Transmission.....	High Visibility Safety Yellow
Telephone and Telegraph Systems.....	Safety Alert Orange
Community Antenna Television Systems..	Safety Alert Orange
Water Systems.....	Safety Precaution Blue
Sewer Systems.....	Safety Green
Non-potable Water and Slurry Lines....	Safety Purple
Temporary Survey.....	Safety Pink
Proposed Excavation.....	Safety White (<u>Black</u> <u>when snow is</u> <u>on the ground</u>)

1 (Source: P.A. 92-179, eff. 7-1-02.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law."